

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:09CV89-1-W

3:05CR297

DONNELL ALEXANDER TAYLOR, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Motion for Summary Judgment (Doc. No. 4), and Petitioner's Motion to Proceed In Forma Pauperis (Doc. No. 4-2) both filed July 29, 2009.

On March 6, 2009, Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence. On July 20, 2009, after conducting an initial review, this Court dismissed Petitioner's Motion to Vacate. Consequently, Petitioner's present motion is denied as moot.

Petitioner also filed a Motion to Proceed In Forma Pauperis in conjunction with the filing of his Motion for Summary Judgment. It is unclear to the Court the reason Petitioner is asking for pauper status. In fact, it appears Petitioner has filed this document in the wrong case.<sup>1</sup> Consequently, this Motion too is denied.

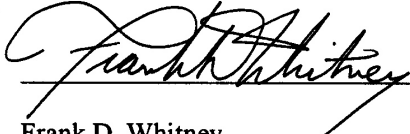
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<sup>1</sup> Petitioner filed a Petition for Writ of Mandamus in this Court (3:09cv325) against the individual listed as the defendant on this Motion to Proceed In Forma Pauperis. However, a review of that cases' docket sheet reveals that Petitioner has already filed a Motion to Proceed In Forma Pauperis in that case as well.

**THEREFORE, IT IS HEREBY ORDERED that:**

1. Petitioner's Motion for Summary Judgment is **DENIED** as moot; and
2. Petitioner's Motion to Proceed In Forma Pauperis is **DENIED**.

Signed: August 14, 2009

  
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Frank D. Whitney  
United States District Judge

